

1 AARON D. FORD
2 Attorney General
3 SAMUEL L. PEZONE JR. (Bar No. 15978)
4 Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 555 E. Washington Ave., Ste. 3900
8 Las Vegas, Nevada 89101
9 (702) 486-4070 (phone)
10 (702) 486-3773 (fax)
11 Email: spezone@ag.nv.gov

12 *Attorneys for Defendants*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAUSTEVEION JOHNSON,

Plaintiff,

v.

A. SUICIDE, *et al.*,

Defendants.

Case No. 3:22-cv-00285-ART-CSD

ORDER GRANTING
**DEFENDANTS' MOTION TO STAY
CASE PENDING GLOBAL
SETTLEMENT CONFERENCE**

Defendants, Michael Minev, Perry Russell, Joseph Sherry, Candis Rambar, Robert Hartman, Jeffrey Holz, Joel Hightower, Shelly Conlin, John Claudio-Bil, Kyle Olsen, Michael Flamm, Nethanjah Breitenbach-Childers, Brian Williams, Michael Tierney, John Henley, Joseph Kobrick, and Lance White, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move for a stay of this case pending an upcoming global settlement conference in *Johnson v. Garofalo, et al.*, Case No. 3:21-cv-00239-MMD-CLB.

///

///

///

///

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

On May 26, 2023, this Court entered an order setting September 22, 2023, as the deadline to serve discovery, and October 23, 2023, as the date for completion of discovery. ECF No. 29.

On August 21, 2023, this court held a telephonic status conference in *Johnson v. Garofalo, et al.*, Case No. 3:21-cv-00239-MMD-CLB. ECF No. 32. During this conference, Deputy Attorney General Andrew Nelson, Plaintiff Lausteveion Johnson (Johnson) and his counsel agreed to participate in a global settlement conference regarding all of Johnson's civil cases pending in this court, including this case, *Johnson v. Suicide, et al.*, Case No. 3:22-cv-00285-ART-CSD. See *Id.*

Accordingly, this Court set Thursday October 5, 2023, at 9:00 AM, as the date and time for a global settlement conference. ECF No. 32 at 2. Further, this Court advised the parties to “request or file a stipulation regarding a stay in any case where they find it appropriate.” *Id.* This request for a stay follows.

II. LEGAL STANDARD

“A court’s power to stay proceedings is incidental to its inherent power to manage its docket.” *Stephens v. Comenity, LLC*, 287 F.Supp.3d 1091, 1096 (D. Nev. 2017) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936)). “Proceedings may be stayed ‘pending resolution of independent proceedings which bear upon the case.’” *Id.* at 1096-97 (citing *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979)). “In determining whether a stay is appropriate, a court ‘must weigh competing interests and maintain an even balance.’” *Id.* at 1097 (citing *Landis*, 299 U.S. at 254-55); *see also Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). “These competing interests include: (1) possible damage resulting from granting a stay; (2) hardship or inequity to a party if the proceedings go forward; and (3) simplification or complication of issues, proof and questions of law from a stay.” *Id.* (citing *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

1 **III. ARGUMENT**

2 Staying this case will further the goal of efficiency for this Court and the parties, as
3 a global settlement may result in the prompt resolution of this case. If a global settlement
4 is not reached, Johnson may resume the instant case with only a short delay of five weeks.
5 Discovery is ongoing and is due to be completed on October 5, 2023. ECF No. 29. Without
6 a stay, all parties may incur the expense of responding to additional discovery, which
7 discovery may ultimately prove fruitless if this case is resolved at the global settlement
8 conference.

9 Furthermore, the settlement conference may help to simplify the issues to be
10 resolved in this litigation. Even if this case is not resolved, a settlement conference may
11 allow the parties to eliminate some factual disputes in this case, which will make for more
12 efficient discovery and narrower dispositive motions.

13 **IV. CONCLUSION**

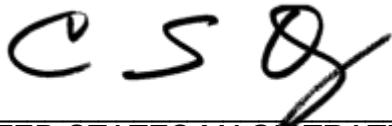
14 This Court should grant a stay of these proceedings pending the upcoming global
15 settlement conference on Thursday October 5, 2023, at 9:00 AM. Defendants request a stay
16 of this case until no later than October 19, 2023, by which date the parties shall inform the
17 court of the results of the global settlement conference.

18 DATED this 28th day of August, 2023.

19 AARON D. FORD
20 Attorney General

21 By: /s/ Samuel L. Pezone Jr.
22 SAMUEL L. PEZONE JR. (Bar No. 15978)
23 Deputy Attorney General

24 IT IS SO ORDERED.
25 DATED: August 29, 2023.

26 
27 UNITED STATES MAGISTRATE JUDGE
28